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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,194	03/28/2001	Jan H. Labuschagne	TIMK 7938US	2895

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EXAMINER	
A, PHI DIEU TRAN	

ART UNIT	PAPER NUMBER
3637	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/819,194	LABUSCHAGNE, JAN H.	
	Examiner	Art Unit	
	Phi D. A	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 July 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12 and 19-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12,19-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-7, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellas et al (3308845).

Bellas et al shows a portable facility having an enclosure that is portable in the sense that it can be moved by a transport vehicle, means within the enclosure (col 1 lines 49-55), and more means within the enclosure, the means for cleaning (10) being located outside of the enclosure, the enclosure having at least one end through which access to the interior of the enclosure being obtained, a deck (7) at said one end of the enclosure, the means for cleaning being on the deck, the enclosure containing stations (figure 5) at which means are located (67, 68, 39, 38, 35 figure 5, col 7 lines 20-34), the enclosure having side walls and the stations being located along the side walls, a center aisle separates the stations along the side walls, ends through which access to the interior of the enclosure is obtained, a roof (52, 14) which extends between the side walls and over the interior of the enclosure, doors attached to the side walls for closing the ends of the enclosure, a washer located containing a solution, equipment within the enclosure.

Bellas et al does not show means for inspecting components of the bearing, means for repairing defects in components of the bearing, spared races and rolling elements located within the enclosure to replaced damaged races and rolling elements, the means located outside the enclosure is for cleaning bearing, means for opening the case to release the rolling elements from

the race and means for closing a cage around rolling elements to retain the rolling elements on the race.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bellas et al to show the means for inspecting components of the bearing, means for repairing defects in components of the bearing, spared races and rolling elements located within the enclosure to replaced damaged races and rolling elements, the means located outside the enclosure is for cleaning bearing, means for opening the case to release the rolling elements from the race and means for closing a cage around rolling elements to retain the rolling elements on the race because it would have been obvious to one having ordinary skill in the art to service any component of a locomotive including bearings, and rollers in a mobile facility servicing an automobile, and having spared races, rolling elements, means for opening and closing the cage of the race would enable the easy and convenient servicing of the bearings and rollers; see In re Aller 105 USPQ 233 CCPA 1955, and In re Mills 125 USPQ CCPA 1916.

2. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellas et al (3308845).

Bellas et al shows a portable facility having an enclosure that is portable in the sense that it can be moved by a transport vehicle, means within the enclosure (col 1 lines 49-55), and more means within the enclosure, the means for cleaning (10) being located outside of the enclosure, the enclosure having at least one end through which access to the interior of the enclosure being obtained, a deck (7) at said one end of the enclosure, the means for cleaning being on the deck, the enclosure containing stations (figure 5) at which means are located (67, 68, 39, 38, 35 figure 5, col 7 lines 20-34), the enclosure having side walls and the stations being located along the side

walls, a center aisle separates the stations along the side walls, ends through which access to the interior of the enclosure is obtained, a roof (52, 14) which extends between the side walls and over the interior of the enclosure, doors attached to the side walls for closing the ends of the enclosure, a washer located containing a solution, equipment within the enclosure.

Bellas et al does not show means for inspecting the cone assembly, means at another of the stations for inspecting and repairing the raceway of the cup, means at still another station for opening the cage and releasing the rollers, means at yet another station for repairing the raceway of the cone, a spared cage in the enclosure, means at another station for closing a new cage about the rollers on the cone to retain the rollers on the cone and unite the cone assembly formed by cone, rollers and new cage, means for lubricating the cone assembly, means for installing a seal into the cup, spared seals in the enclosure, the bearing having two raceways in its cup, two cone assemblies, a spacer between the cones, the spacer being long enough to impart end play to the bearing, means at another station for measuring the end play in the bearing, means for removing grease from the bearing.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bellas et al to show means for inspecting the cone assembly, means at another of the stations for inspecting and repairing the raceway of the cup, means at still another station for opening the cage and releasing the rollers, means at yet another station for repairing the raceway of the cone, a spared cage in the enclosure, means at another station for closing a new cage about the rollers on the cone to retain the rollers on the cone and unite the cone assembly formed by cone, rollers and new cage, means for lubricating the cone assembly, means for installing a seal into the cup, spared seals in the enclosure, the bearing having two raceways

in its cup, two cone assemblies, a spacer between the cones, the spacer being long enough to impart end play to the bearing, means at another station for measuring the end play in the bearing, means for removing grease from the bearing because it would have been obvious to one having ordinary skill in the art to service any component of a locomotive including bearings, and rollers in a mobile facility servicing an automobile, and having new cage, spared seals would enable the easy and convenient servicing of the roller bearing; see En re Aller 105 USPQ 233 CCPA 1955, and En re Mills 125 USPQ CCPA 1916.

3. Claims 20-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellas et al (3308845).

Bellas et al shows a portable facility having an enclosure that is portable in the sense that it can be moved by a transport vehicle, a washer solution (means 10) for cleaning equipment, an air conditioning unit supported on the enclosure, a dust extraction system, the enclosure is mounted on a railcar (the unit fits the definition of a railcar as railcar is not yet defined in the claim).

Bellas et al does not show equipment for inspecting the races, equipment for repairing the bearing, spare inner and outer races and rolling elements located within the enclosure to replace a damaged race or rolling element, spare seals located within the enclosure for replacing the seals of the bearing, the equipment for inspecting the races including a fixture which shines a light on the inner race, the equipment for inspecting the bearing including a gauge that measures the diameter of a bore that extends through the inner race, the outer race being unitary and having two raceways which are inclined downwardly toward each other, the inner race being on two separate components, each having a raceway that is presented toward a raceway of the outer race

and is inclined in the same direction as the raceway toward which it is presented, the rolling elements being arranged in two rows, a separate row around each raceway of the inner race, the bearing including a cage located around each component of the inner race, new cages to replace the cage of either component of the inner race, the equipment including a press which will plastically deform the cage around either component of the inner race to free the rolling elements from the race, a press, a spacer located between the components of the inner race to impart the end play to the bearing, a lateral measuring machine which rotates the inner race within the outer race and applying axially directed forces to the inner race in both axial directions, and measuring the free motion between the inner and outer races, a hand-held grinder a polishing tool.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bellas et al to show equipment for inspecting the races, equipment for repairing the bearing, spare inner and outer races and rolling elements located within the enclosure to replace a damaged race or rolling element, spare seals located within the enclosure for replacing the seals of the bearing, the equipment for inspecting the races including a fixture which shines a light on the inner race, the equipment for inspecting the bearing including a gauge that measures the diameter of a bore that extends through the inner race, the outer race being unitary and having two raceways which are inclined downwardly toward each other, the inner race being on two separate components, each having a raceway that is presented toward a raceway of the outer race and is inclined in the same direction as the raceway toward which it is presented, the rolling elements being arranged in two rows, a separate row around each raceway of the inner race, the bearing including a cage located around each component of the inner race, new cages to replace the cage of either component of the inner race, the equipment including a

press which will plastically deform the cage around either component of the inner race to free the rolling elements from the race, a press, a spacer located between the components of the inner race to impart the end play to the bearing, a lateral measuring machine which rotates the inner race within the outer race and applying axially directed forces to the inner race in both axial directions, and measuring the free motion between the inner and outer races, a hand-held grinder a polishing tool because it would have been obvious to one having ordinary skill in the art to service any component of a locomotive including bearings, and rollers in a mobile facility servicing an automobile, and having new cage, spared seals, measuring tools, grinding machine, rotating machine, spacer, light fixture, and polishing tool would enable the easy and convenient servicing of the roller bearing; see En re Aller 105 USPQ 233 CCPA 1955, and En re Mills 125 USPQ CCPA 1916.

Response to Arguments

4. Applicant's arguments filed 7/15/05 have been fully considered but they are not persuasive.

5. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to so is found in the knowledge generally available to one of ordinary

skill in the art; a person with ordinary skill in the art would have found it obvious to use the portable facility disclosed by Bellas et al to recondition bearings as claimed.

6. With respect to applicant's arguments of reasonable expectation of success, having a facility that has the enhanced capability of allowing an extra service to automotive would certainly improve the facility.

7. With respect to applicant's statement that the differences between the service provided by Bellas and the service of reconditioning bearings are too great to expect any success, examiner respectfully disagrees. Both reconditioning bearings and the services provided by Bellas are automotive related. They both involve the maintenance of automotive parts and operations. Thus, the expectation of success is not too different as presented by applicant.

8. With respect to "components such as spare races and rolling elements...", Bellas's teaching as modified shows the components as claimed.

9. With respect to "bearing that was used on the journal of an axle for a railcar or locomotive" examiner respectfully points out that " journal of an axle for a railcar or locomotive" are not claimed limitations. The claims are only to the bearings, not the journal, not the axle, nor a railcar.

10. The Declaration of Rudolf Karich under 37 CFR 1.132 filed 7/15/05 is insufficient to overcome the rejection of claims 1-12, 19-29 based upon Bellas et al as set forth in the last Office action because: Mr. Rudolf Karich's conclusion that it is not obvious to modify Bellas'teaching to show the reconditioning of bearings and components thereof is a matter of opinion and found not persuasive. Mr. Rudolf Karich also is Vice President of Timken Company Rail to which this application is assigned. Furthermore, the modification of a mobile

service station that service automotive parts to further provide a service to another automotive part would have been obvious to one having ordinary skill in the art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phi Dieu Tran A

10/3/05